

SERIAL PR09-01-RFP

**REQUEST FOR PROPOSAL – DRINK VENDING SERVICES – MARICOPA COUNTY
PARKS AND RECREATION DEPARTMENT**

Purpose: This document defines the basic services required; the Proposal procedures; the evaluation criteria; and other factors pertinent to this Request for Proposal (RFP). The purpose of this RFP is for the selected Proposer to install, maintain and stock drink vending machines to be located within Maricopa County Regional Parks (Parks). The Proposer will furnish all labor, materials, equipment, permits and insurance to perform the tasks required.

Release
Date: **September 8, 2008**

Location: Maricopa County Regional Parks

Proposal: Shall consist of a Proposal to install, maintain and stock drink vending machines to be placed throughout select locations within Maricopa County Regional Parks.

Forms: Copies of the Request for Proposal may be obtained from Maricopa County Parks and Recreation Department, 234 N. Central Avenue, Suite 6400, Phoenix, Arizona 85004, or by downloading from the Website at www.maricopa.gov/parks.

Pre-Proposal: A **Mandatory** Pre-Proposal Conference will be held at the Maricopa County Parks and Recreation Headquarters, 234 N. Central Avenue, Suite 6400, Phoenix, AZ 85004 at **9:00 a.m. (Mountain Standard Time)** on **Monday, September 29, 2008**. **Proposals from non-attendees will not be considered.** Potential Proposers should meet at the appointed time. Parks staff will make a brief presentation and questions will be answered. If requested by attendees, copies of oral and written questions and responses will be sent to all attendees. **Please bring a copy of the RFP with all Exhibits and Appendixes.**

RFP Costs: Proposers are not entitled to recover any Proposal preparation costs or other costs or damages.

Due Date: Proposals are due at the Maricopa County Parks and Recreation Department, 234 N. Central Avenue, Suite 6400, Phoenix, AZ 85004, by **3:00 p.m. (Mountain Standard Time)** on **Thursday, October 23, 2008**. **Late Proposals will not be accepted.**

All Proposals must be submitted in the format identified in the RFP. The Maricopa County Board of Supervisors reserves the right to reject any and all Proposals.

All Proposals are to be sealed, signed, and marked: **Drink Vending Services – Serial PR09-01-RFP**. All inquiries relative to this Solicitation should be directed to Tom Timmons, Maricopa County Parks and Recreation Department, 234 N. Central Avenue, Suite 6400, Phoenix, Arizona 85004; Phone: (602) 506-3998; or via e-mail to: tomtimmons@mail.maricopa.gov.

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All Proposals will be submitted to:

**Maricopa County Parks and Recreation Department
Attn: Contract Administrator
234 N. Central Avenue, Suite 6400
Phoenix, Arizona 85004**

ATTENDANCE IS MANDATORY AT THE PRE-PROPOSAL CONFERENCE

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1.0 INTRODUCTION.

1.1 Scope and Intent.

- 1.1.1 Maricopa County, Arizona, through its Parks and Recreation Department, hereinafter known as “Parks” is soliciting proposals from qualified proposers to meet basic services which encompass the installation, maintenance and stocking of drink vending machines throughout the Maricopa County Regional Parks.
- 1.1.2 Under the provisions of A.R.S. §11-941, the intent of Parks, through a competitive selection process, is to select a successful Proposer to support the drink vending machine operation as part of Parks’ enhancement fund. After selection of a successful Proposer, the intent is to enter into a negotiated Use Management Agreement with minimum disruption of service to the public.
- 1.1.3 The Use Management Agreement will not become effective until approved by the Maricopa County Board of Supervisors. Award of any or all subsequent alternate proposal items will be up to the discretion of the County, should the County determine that they are feasible, appropriate and in the County’s best interest.
- 1.1.4 This is a revenue producing agreement for Parks. Fee schedules will be negotiated as part of the Use Management Agreement between Parks and the successful Proposer.
- 1.1.5 In the context of this RFP, the Proposer refers to the entity seeking to provide the services required; Entity means functioning as a legal business recognized in the State of Arizona; and Concessionaire refers to the entity awarded the right to negotiate a Use Management Agreement with the Parks. *The terms of the Use Management Agreement are subject to negotiation.*
- 1.1.6 *It is not the intent of Parks to preclude the current Concessionaire, Kalil Bottling Company, from participating in the proposal process.*

1.2 Exceptions.

Exceptions to provisions as stated in the RFP *must be submitted in writing prior to the Pre-Proposal Conference*. Requests will have necessary supporting documentation in order for Parks to make a written determination as to the Proposer’s eligibility to participate in the solicitation. Exceptions will be reviewed by Parks. Responses to exceptions will be provided in writing prior to the date required for Proposals to be submitted. Submit exceptions to:

Maricopa County Parks and Recreation Department
Attn: Contract Administrator

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1.3 Demographic Trends – Arizona and Maricopa County.

- 1.3.1 Arizona's population growth rate, especially within Maricopa County, continues to be one of the fastest growing in the nation. Over sixty percent (60%) of the State's population lives in Maricopa County.

Demographics:

5 and Under	7.8%
18 and Under	26.4%
65 and Older	12.8%
Median Household Income (2004)	\$43,696
% Native Hawaiian/Pacific Island	0.2%
% White (Not Hispanic)	59.7%
% Hispanic/Latino	29.2%
% Black	3.8%
% Asian	2.4%
% American Indian/Alaska Native	4.8%

(Source: Arizona Quick Facts from the U.S. Census Bureau)
(2006)

- 1.3.2 The economic forecast remains strong despite current economic downturns as business opportunities continue to grow in proportion to the growth in population. In general, areas of retail, construction, hospitality, recreation and high tech remain the major components of the economic development spectrum within Maricopa County.

1.4 Current Park System.

Maricopa County Parks consist of ten (10) regional parks located throughout Maricopa County. (See **Appendix I – Location Map**) Park visitation for Fiscal Years 2005, 2006, 2007 and 2008 are as reflected in **Appendix II – Park Visitation**. Parks' Fiscal Year goes from July 1st through June 30th.

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1.5 Current Vending Operations.

There are currently 10 drink vending machines located in the Parks. **Appendix III – Drink Vending Operations** indicate the current locations; **Appendix IV – Sales FY07 and FY08** lists the volume of cases of soft drinks sold at each Park.

1.6 Parks' Options.

Throughout the period of the new Use Management Agreement, Parks retains the option to discontinue service to select Parks; request service in Parks currently without drink vending services; or request additional service in existing Parks based upon market demand, Master Plans or other business decisions. The process and conditions for implementing these decisions and subsequent actions will be as outlined in the Use Management Agreement.

1.7 Successful Proposer Options.

Throughout the period of the new Use Management Agreement, the successful Proper will retain the option to discontinue service to select Parks; request service in Parks currently without drink vending services; or request additional service in existing Parks. However, all decisions will be supported based upon market demand, Master Plans or other business decisions and will be approved by Parks before implementation. The process and conditions for implementing these decisions and subsequent actions will be as outlined in the Use Management Agreement.

2.0 **GOAL.**

2.1 It is Parks' goal to continue drink vending services in the Parks at the current or expanded service level. Service will be provided through a successful Proposer who demonstrates, through the submitted Proposal, the greatest capability to meet the required tasks of installation, maintenance and stocking of drink vending operations throughout Maricopa County Parks. Therefore vending operations shall be state-of-the-art; appeal to a large percentage of the general public; and will provide quality customer service.

2.2 It is the expectation of Parks that the successful Proposer will continue to provide drink vending service to the general public for which the scope is set forth in **Section 1.1** of this RFP. Parks believes that the public interest can best be served by a contract operation of this type of concession.

3.0 **TERM AND TERMINATION.**

3.1 Term.

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The term of the Use Management Agreement will be for a period of five (5) years from the date of approval by the Maricopa County Board of Supervisors. This term may be shorter than stated in the RFP, as part of the negotiated Use Management Agreement, but will not exceed the five (5)-year initial term. There will be two (2) five (5)-year renewal options.

3.2 Termination.

Failure to exercise renewal options must be “for cause”. Representative “for cause” reasons include, but are not limited to:

3.2.1 Termination or amendment of Agreements between the Bureau of Land Management, Bureau of Reclamation or other entities and Maricopa County that result in the County no longer retaining control of the Parks.

3.2.2 New or revised interpretation of regulations or statutes makes continuation of the vending operations infeasible.

3.2.3 New Parks decisions make continuation of the Agreement infeasible.

3.2.4 Unsatisfactory performance, determined by Parks, on the part of the successful Proposer within the requirements of its Use Management Agreement.

3.2.5 Failure of Parks to perform its requirements under the negotiated Use Management Agreement.

3.2.6 In ability of Parks and the successful Proposer to mutually agree as to the terms and conditions as outlined in the renewal option.

3.3 Upon termination of the Use Management Agreement, unless otherwise stipulated in the Agreement, all drink vending machines and their contents will be retained by the successful Proposer. Infrastructure and improvements used in support of the vending machine operation, i.e. storage containers, security containers, shelters, utilities, walkways, landscaping and concrete pads, will be retained by Parks.

3.4 In event of conflict between the RFP and the Use Management Agreement, the Use Management Agreement will prevail.

4.0 RESPONSIBILITIES AND REQUIREMENTS.

4.1 Insurance/Liability.

4.1.1 The successful Proposer will be required to maintain public liability and property damage insurance in a form acceptable to the County. This will include naming the County as an

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“additional insured entity” on all required insurance coverage or as stipulated in the Use Management Agreement.

- 4.1.2 The successful Proposer, as appropriate, will be required to carry Worker’s Compensation for statutory limits.
- 4.1.3 The successful Proposer agrees to indemnify and save harmless the County or any of their dependents, agencies, officers or employees, from and against all loss, expense, damage or claim of any nature whatsoever which is caused by any activity, condition or event arising out of the performance or nonperformance of the successful Proposer.
- 4.1.4 The County agrees to indemnify and save harmless the successful Proposer or any of their dependents, agencies, officers or employees, from and against all loss, expense, damage or claim of any nature whatsoever which is caused by any activity, condition or event arising out of the performance or nonperformance of the County.

4.2 Overview.

- 4.2.1 Parks desires to enter into a Use Management Agreement with the successful Proposer to install, maintain and stock drink vending machines throughout Maricopa County Regional Parks.
- 4.2.2 The primary intent of the Use Management Agreement is to install drink vending machines at locations already identified.
- 4.2.3 The secondary intent of the Use Management Agreement is to expand drink vending services and possibly other vending services.

4.3 Minimum Requirements.

- 4.3.1 The successful Proposer will provide, at its own expense, all equipment and supplies necessary for operation of the drink vending requirements as outlined in the Use Management Agreement.
- 4.3.2 Install state-of-the-art drink vending machines throughout the Maricopa County Regional Parks under the terms and conditions of a Use Management Agreement.
- 4.3.3 Maintain the drink vending machines installed by the successful Proposer according to a schedule to be determined as part of the Use Management Agreement.

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- 4.3.4 Repair drink vending machines according to a schedule and timeline to be determined as part of the Use Management Agreement.
- 4.3.5 Replace drink vending machines when no longer economical to repair or when repair is beyond what can be done on-site and within a timeline to be determined as part of the Use Management Agreement.
- 4.3.6 Stock drink vending machines with product mutually agreed to by Parks and the successful Proposer. Within the narrative portion of your Proposal provide Parks with a listing of drink products that will be dispensed from the vending machines. *No alcohol will be dispensed; no product will be dispensed in glass containers.* Suggested products will include, but not be limited to, bottled water; carbonated drinks; energy drinks; fruit juices; and electrolyte replacement drinks.
- 4.3.7 Re-stock the drink vending machines according to the terms of the Use Management Agreement.
- 4.3.8 Rotate contents of the drink vending machines to preclude the product from becoming “old” or expired. Rotation schedule and parameters will be as outlined in the Use Management Agreement.
- 4.3.9 Vending machines will be adapted, based upon technology development and availability, for use by the visually impaired, i.e. Braille selection buttons.
- 4.3.10 Safeguard the vending machines and their contents (product and currency) from vandalism and larceny. The County will not be liable for vandalism or larceny as may occur. Parks will provide the same degree of safeguards to the successful Proposer's equipment and product as provided to their own.
- 4.3.11 Ensure access to drink vending machines, for sites in addition to those currently identified, (see **Appendix III – Drink Vending Operation**) is in compliance with the current American with Disabilities Act.
- 4.3.12 Where permitted by the respective Park, access to the drink vending machine will be twenty four (24)-hours per day, seven (7)-days per week.
- 4.3.13 The Concessionaire will provide to Parks a listing of product to be dispensed and the amount to be charged to the public. This information will be provided as part of the response to this RFP (see **Exhibit O - Initial Product and Pricing List**) and prior to the

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start of each Contract Year. Modifications or updates, as they occur, will be provided to Parks for review and approval prior to implementation. The goal of Parks is not to dictate pricing or product; however, will need to ensure quality of product; that the product provided meets the marketing needs of Parks and Park visitors; and that pricing is within industry standard.

- 4.3.14 Consider, based upon customer comments, market studies, surveys or other business tools as may be determined by the successful Proposer, expansion of the drink vending services and possible expansion into other vending services as may be mutually agreed to between Parks and the successful Proposer.

4.4 Utilities.

The successful Proposer, unless otherwise stated in the Use Management Agreement, will be required to reimburse Parks for electricity used each month for operation of the vending machines. Unless separately metered at each vending machine, the reimbursement amount will be determined based upon the vending machine manufacturer's estimated monthly use for operation of the refrigerated units, based upon season of the year, in a desert environment.

4.5 Facility and Grounds Maintenance.

- 4.5.1 The successful Proposer will be responsible for maintenance, repair and overall appearance of their vending site at each Park, to include all structures, facilities, amenities and grounds.
- 4.5.2 The successful Proposer is responsible for ensuring compliance with the Maricopa County Air Pollution Control Regulations and other environmental statutes, regulations and ordinances as they pertain to air quality and other environmental concerns within the Parks.

4.6 Construction Plans.

- 4.6.1 The successful Proposer will be responsible for the submission of Concept Plans, Preliminary Plans, Final Plans and "As-Built" Plans for all new construction or improvements to existing vending sites. All new construction and improvements must be submitted to Parks for non-technical review and the approving authority for their review and written approval.
- 4.6.2 Permitting authorities will need to be identified at the time of plan submission. Permitting authorities may vary dependent upon the Park location. It is the responsibility of the successful Proposer to determine the approval and permitting authorities, permits required and applicable building codes.

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- 4.6.3 The successful Proposer will be required to comply with all health, building, zoning, fire and safety codes; the American with Disabilities Act; the Architectural Barriers Act; the Uniform Federal Accessibility Act; and the Arizona Native Plant Law.
 - 4.6.4 The successful Proposer will be responsible for all costs associated with the planning; permitting; installation of utilities; reimbursement of utilities used; vending machine site development; construction; improvements; and insurance.
 - 4.6.5 The successful Proposer, at their expense, will be responsible for the completion of all applicable environmental studies and for the obtaining of all applicable permits and licenses.
 - 4.6.6 Parks will act as a liaison only during the planning and permitting process. Plan development; permit identification; technical review and obtaining of the required permits, plans and approvals are the responsibility of the successful Proposer.
- 4.7 Environmental Compliance.
- 4.7.1 Current Status.

If the successful Proposer activities result in adverse environmental impacts, the successful Proposer will be fully accountable for any resulting site assessment and clean-up required to restore the property. Parks will not seek compensation or restitution from the successful Proposer as a potentially responsible party for any release of a contaminant or hazardous substance on the premises prior to the effective date of the Use Management Agreement.
 - 4.7.2 Regulated Uses and Disposal.
 - A. The successful Proposer will provide to Parks a complete list identifying all hazardous material or petroleum products and their approximate quantity that will be brought on site. (See **Exhibit I – Hazardous Material or Petroleum Products**) Thereafter, the successful Proposer will be required to notify Parks only when hazardous materials or petroleum products, in addition to those initially identified with the Proposal, are brought on site.
 - B. Management and proper disposal of all hazardous material is the responsibility of the successful Proposer. The successful Proposer will agree to comply with all environmental laws and regulations and to take such other actions as may be required to protect against

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environmental liabilities. Any hazardous substances must be disposed of in accordance with all required laws and concerning the use and disposal of such substances. The successful Proposer will be required to keep Material Safety Data Sheets and supporting records on site for the identified materials and products. In addition, the successful Proposer will be required to retain documentation relating to the management and disposal of all hazardous material.

4.8 Maintenance Program.

Parks desires a high level of physical maintenance of the structures, amenities, vending machines, etc. in order to guard against disrepair and obsolescence. Incorporated into the Use Management Agreement will be a provision that the selected Proposer will be required to submit for review and approval by Parks an annual program and budget for the replacement, repair and maintenance of the vending site and equipment. By definition, maintenance is those activities that are completed to retain or restore the area, facility or piece of equipment in or to an acceptable condition.

5.0 GENERAL PROVISIONS.

5.1 Accident Reporting.

The successful Proposer shall immediately report to Parks any event which results in the death or significant injury requiring medical transport or attention to the successful Proposer's employees, successful Proposer members, or members of the general public.

5.2 Debris/Obstacles.

Parcels of land available are "as is" and the successful Proposer is responsible to ensure that there is no debris or obstacles that can interfere with the safe operation of the vending concession. The successful Proposer is responsible, at their cost, for the removal of such debris or obstacles.

5.3 Park Rules and Regulations.

The successful Proposer is responsible for ensuring that all individuals representing the successful Proposer for services being performed at the vending site are in compliance with Park rules and regulations. These will be included as part of the Use Management Agreement.

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5.4 Emergency Notification.

As part of the Use Management Agreement the successful Proposer will be required to provide names and contact numbers of a primary and alternate Point-of-Contact. This information will be retained by Parks for emergency notification.

5.5 Compliance with Laws.

5.5.1 The successful Proposer will agree to comply with all applicable federal, state, County, Parks and city statutes, laws, ordinances, rules and regulations as they pertain to the construction, management, operation and maintenance of their drink vending concession.

5.5.2 The vending concession will be open to the public and otherwise enhance public recreational uses at Maricopa County Parks. No person shall be denied use of the drink vending concession because of race, sex, age, handicap, disability, color, religion, sexual orientation or national origin.

5.6 Recovery of Costs.

Proposers are not entitled to recover any Proposal preparation costs or other costs or damages associated with the preparation of this Proposal including, but not limited to, the event Parks withdraws the RFP; the event Parks does not recommend an award; the event the County does not make an award; Parks fails to successfully negotiate a Use Management Agreement; or recommends to the County that the award of the Use Management Agreement to another Proposer.

5.7 Proprietary Information.

The Proposer must clearly identify items to be considered as “proprietary” information and that they do not want this information to be part of the public record. **This request must be made in writing and submitted prior to Parks receiving the Proposal.** Requests identifying proprietary information received after receipt of the Proposal will not be accepted and information submitted will become part of the public record. Parks will make a determination as to accepting or declining the Proposer’s request. As a general guideline, only financial information will normally be considered proprietary and then only if requested by the Proposer. Requests for proprietary consideration must be sent to:

Maricopa County Parks and Recreation Department
Attn: Contract Administrator
234 N. Central Avenue, Suite 6400
Phoenix, AZ 85004

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5.8 Rejection of Proposals.

Parks reserves the right to reject any and all Proposals received in response to this RFP if determined to be in the best interest of Parks and Maricopa County. Parks agrees to take reasonable care to protect any proprietary information identified by the Proposers received as part of their RFP response.

5.9 Reports.

5.9.1 Beverage Sales Reports.

As will be outlined in the Use Management Agreement, the successful Proposer will be required to submit monthly beverage sales reports to reflect quantity of beverages sold, by type, location and Park. Reports will be sent electronically to Maricopa County Parks and Recreation Department's Contract Administrator – tomtimmons@mail.maricopa.gov:

5.9.2 Annual Financial Report.

Within ninety (90) days of the end of the Calendar Year, the successful Proposer will be required to provide Parks an Annual Financial Report (AFR) reflecting the income and expenses as well as balance sheet for the vending operation as it pertains to this Agreement. The successful Proposer will have the AFR reviewed by an independent auditor who must be a Certified Public Accountant (CPA). The report will include a statement that the amounts shown in the AFR are consistent with those included in the successful Proposer's federal and state income tax returns relating to the vending operation.

5.9.3 Larceny or Vandalism.

The successful Proposer will report to Parks any larceny or vandalism which occurs to the vending concession.

6.0 **FEES.**

During the term of the Use Management Agreement, the successful Proposer will be required to pay Parks a minimum monthly fee at a rate to be determined as part of the Use Management Agreement negotiations. (See **Exhibit J – Fee Schedule**)

7.0 **RFP GUIDELINES AND PROCESS.**

7.1 General.

7.1.1 Modifications.

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Parks may institute changes or modifications to the RFP specifications and if done so, will notify all participants in a timely manner by an addendum to this Request for Proposal.

7.1.2 Negotiation.

Unless otherwise stated in the RFP, the Use Management Agreement is subject to negotiation.

7.1.3 Proposal Withdrawal.

If at any time prior to the selection of the successful Proposal a Proposer decides to withdraw their Proposal, that Proposer is requested to give written notice to Maricopa County Parks and Recreation Department, Attn: Contract Administrator, 234 N. Central Avenue, Suite 6400, Phoenix, Arizona 85004.

7.1.4 Award Consideration.

Consideration for award will only be made to Proposers whose Proposal best meets the criteria stated in the RFP; for Proposers who can best demonstrate the knowledge and resources necessary to commit and succeed with the Proposal submitted; that there has been no previous contract performance issues with County or Parks; and who demonstrate the required qualifications and experience to succeed with the drink vending concession.

7.1.5 Incorporation of the Proposal into the Agreement.

The contents of the Request for Proposal and the selected Proposer responses are incorporated, in total, into any Use Management Agreement. Where the Use Management Agreement is in conflict with the RFP or response, the Use Management Agreement will control.

7.1.6 Financial Status.

- A. Parks reserves the right to require the successful Proposer to provide Parks unrestricted access to the Proposer's financial records. All Proposers shall make available, upon request, current audited financial statements that reflect the assets and liabilities of the Proposer. This is required in order to determine if the Proposer has adequate financial resources to construct, operate and maintain the drink vending concession. Failure or refusal to provide the information within five (5) business days after requested, Parks may find this to be sufficient grounds to reject the Proposal.

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- B. If this is a new business entity created for the purpose of responding to this RFP, then the following information must be made available upon request:
- (1) Names and addresses of all individuals with a five percent (5%) or more interest in outstanding shares or ownership interest.
 - (2) Financial statements of each individual identified above.
 - (3) Tax returns for the last three (3) years for each individual identified above.
- C. By submitting a Proposal in response to this RFP, the Proposer agrees to provide Parks, in writing, with any relevant information requested if the Proposer becomes involved as a debtor: (See **Exhibit G – Litigation, Claims, and Judgment**)
- (1) In a bankruptcy proceeding.
 - (2) In a reorganization, dissolution or liquidation proceeding.
 - (3) If a trustee or receiver is appointed over all or a substantial portion of the drink vending concession of the Proposer under federal bankruptcy law or any state insolvency law.
- D. Parks reserves the right to take any action available to it if it discovers a failure to provide such information to Parks.

7.1.7 Competition, Non-Collusion and Conflict of Interest.

The Proposer expressly warrants and certifies so as not to foster a non-competitive business environment:

- A. Parks does not preclude the current Concessionaire from submitting a Proposal. However, the current Concessionaire **must attend** the Pre-Proposal Conference and **submit** a Proposal within the stipulated timelines.
- B. That neither the Proposer, its employees, or associates, either by themselves or through an LLC, partnership, corporation, or any other entity, currently possesses any commercial interests in Maricopa County Regional Parks

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that will compete with major vending operations currently being offered.

- C. That neither the Proposer nor its employees or associates have directly or indirectly entered into any agreement, participated in any collusion, or otherwise taken any action in restraint of free competitive bidding in conjunction with this Proposal.
- D. That the Proposer is not under any contractual or legal obligation or impediment which could or would conflict with the duties and obligations that will be imposed upon a successful Proposer to construct, manage, operate and maintain a drink vending concessions for the benefit of the Parks and the users of the drink vending site.

7.1.8 Public Record.

In accordance with the Maricopa County Procurement Code, all information submitted relating to this Proposal, *except for proprietary information identified with Proposal submission*, will become part of the public record upon the Parties signing and the Board of Supervisors formally approving an award (Use Management Agreement).

7.1.9 Inquiries.

Should you find a discrepancy, identify an omission, or have any questions pertaining to the RFP, notify the Parks and Recreation Department staff in writing at the address below **not later than 15 - days prior to the date for receiving Proposals**. As such, the latest date and time for submitting requests for addenda shall be on **October 8, 2008 at 5:00 p.m. (Mountain Standard Time)**. **Maricopa County is not bound by any oral statements or representations**. All questions concerning the interpretation of this document shall be in writing and addressed to:

Maricopa County Parks and Recreation Department
Attn: Contract Administrator
234 N Central Avenue, Suite 6400
Phoenix, AZ 85004

7.1.10 Award of Agreement.

- A. The award of any Use Management Agreement will not be based solely or primarily on revenue, but will include the evaluation criteria listed in the RFP.

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- B. The Evaluation Selection Committee may select one (1) or more Proposals along with any “Add Alternate Proposals” for Parks and Recreation Department staff to negotiate and finalize the Use Management Agreement.
- C. The successful Proposer(s) selected by the Evaluation Selection Committee must negotiate a final Use Management Agreement with Parks within sixty (60) days of selection. *An extension of the sixty (60)-day period may be granted in writing by Parks.* Parks will negotiate only with principals or agents of the disclosed principals.
- D. If the negotiation process does not produce a final Use Management Agreement with the primary selected Proposer, Parks will negotiate with the Evaluation Selection Committee’s alternate selections under the same constraints and in order of preference.
- E. The final Agreement may include modifications to the extent necessary, without significantly changing the scope of the RFP, to arrive at a mutually acceptable Use Management Agreement between Parks and the selected Proposer. *Any deviations from the proposed Use Management Agreement, or any alternative or special conditions required by the selected Proposer, should be clearly stated in the Proposal submitted.*
- F. The Use Management Agreement will be forwarded to the Maricopa County Board of Supervisors for final approval.

7.2 Instructions for Preparing the Proposal.

- 7.2.1 Proposers are to provide one (1) original and five (5) copies of their Proposal. All copies will be clearly marked as to being an original or copy.
- 7.2.2 Proposers are required to provide one (1) CD of their Proposal with the original document.
- 7.2.3 Proposers are to address Proposals, identified with title and return address, to:

Maricopa County, Parks and Recreation Department
Attn: Contract Administrator
234 N. Central Avenue, Suite 6400
Phoenix, Arizona 85004

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7.3 Format and Content.

7.3.1 The Proposal submitted must be specific and complete in every detail. Proposals will be all-inclusive in detailing your offer. They should be practical; prepared simply and economically; and provide a straightforward, concise delineation of how you will satisfactorily perform the services being sought.

7.3.2 To aid in the evaluation, all Proposals will follow the general format listed below; will be tabbed; and each copy will be presented in its own 3-ring binder.

A. Table of Contents.

B. Short introduction and summary as to how you will accomplish the scope and intent of this RFP.

C. Narrative.

Provide a narrative as to all aspects of your Proposal. As a minimum, items to be discussed in detail are:

(1) Description of the drink vending concession to include how it will supplement the existing recreation activities currently located at each respective park.

(2) Elaborate on the uniqueness of your Proposal. Include an artist's concept of your drink vending sites illustrating such additional features as landscaping, lighting, utilities, structures, etc. A requirement of the Use Management Agreement will include the successful Proposer securing the drink vending site without restricting use or access by the public.

(3) Elaborate on your experience with the permitting and planning process within Maricopa County.

7.4 Exhibits to be Included.

Proposals will include the following Exhibits.

Exhibit A - Contact Person - Provide the name and address of the Proposer for purposes of notification or other communication relating to the Proposal. Proposals must be signed by a business entity official who has been authorized to make such commitments.

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Exhibit B - References - Provide three (3) governmental agencies or private firms with whom you have conducted business transactions during the past three (3) years. At least two (2) of the references named are to have knowledge of your debt payment history.

Exhibit C - Principals - Enumerate, in detail, the duration and extent of the business experience of the principals, with special emphasis upon experience with drink vending services operation, management and maintenance to which this Proposal relates. You are encouraged to include photographs, videos or any other graphic presentations to demonstrate “like” complexes or other concessions for which you have or had managed, operated and maintained.

Exhibit D - Operations Plan - Describe in detail your operations plan. The drink vending machines will be operational and accessible twenty four (24) hours per day, seven (7) days a week. It is the desire of Parks that drink vending machines be accessible during construction or improvements as long as access can be done safely by the public.

Exhibit E - Marketing Plan - Provide information describing how you intend to market the drink vending concession. This statement should provide Parks with a clear understanding of any unique qualities of the Proposal.

Exhibit F - Additional Services - Describe any additional services or programs which you desire to provide.

Exhibit G – Litigation, Claims and Judgments - Provide detailed information of any type of litigation, judgments, claims, or governmental investigations (previous or pending) involving any principal, participant, individual financial backer or investment group, or legal business entity associated with this Proposal.

Exhibit H - Previous Performance on County or Parks Agreements - Provide a brief summary of your past performance and evaluation on any prior departmental or closely related County agreements.

Exhibit I - Hazardous Material or Petroleum Products - Provide a detailed list of all hazardous material or petroleum products and approximate quantities initially to be brought on site.

Exhibit J - Fee Schedule - State your proposed fee schedule to be paid to Parks.

Exhibit K - Maintenance Program – Describe, in general, your overall maintenance program for the drink vending concession. This statement should provide Parks with a clear understanding of any unique qualities of the Proposal.

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Exhibit L - Financial Plan –

- (A) All Proposers shall make available, within five (5)-days of being requested by Parks, current audited financial statements that reflect the assets and liabilities of the Proposer. This is required in order to determine if the Proposer has adequate resources to construct new facilities as part of future expansion and to operate and maintain the drink vending concession. Failure or refusal to provide this information may be sufficient grounds for Parks to reject a Proposal.
- (B) If this is a new business entity created for the purpose of responding to this RFP, then the following must be made available upon request:
 - (1) Names and addresses of all individuals with a five (5%) percent, or more, interest in outstanding shares or ownership interest.
 - (2) Financial statements of each individual identified above.
 - (3) Tax returns for three (3) years for each individual identified above.
- (C) Include a financing plan specifying how the Proposal will be financed. Also include documentation supporting the internal availability of equity funds to finance any part of your Proposal not financed with debt. Documentation should specifically include identification of possible lenders and terms; audited financial statements from the Proposer and joint venture partners; and copies of relevant corporate or individual income tax returns.

Exhibit M - Cash Flow Analysis Pro-Forma – Complete all aspects of the enclosed pro-forma cash flow analysis that apply to your Proposal.

Exhibit N – Implementation Timeline – Detail the anticipated timeline for initial replacement of existing vending machines. Clearly identify your projected operational date. Repeat the same process as above for subsequent expansion of drink vending services to or within other Maricopa County Parks.

Exhibit O – Initial Product and Pricing List - List the initial products to be dispensed and their cost to the public.

7.5 Evaluation and Approval Process.

Proposals will be evaluated by a Selection Committee. The evaluation and approval process is comprised of the following steps:

Step 1: Review of all Proposals for conformance to this Request for Proposal.

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Step 2: The elimination of all Proposals which deviate substantially from the basic intent of the solicitation and notification to Proposer.

Step 3: An evaluation of the remaining Proposals. Parks may retain a consultant to assist in evaluating the Proposals.

Step 4: If required, presentation(s) of Proposals by Proposers.

Step 5: Selection of one (1) Proposal (and possible alternate Proposals) to negotiate a Use Management Agreement.

Step 6: Negotiation and finalization of the Use Management Agreement by Department Staff and the selected Proposer.

Step 7: Use Management Agreement to the Board of Supervisors for approval.

Step 8: Notification to non-selected Proposers after approval of the Use Management Agreement by the Board of Supervisors.

7.6 Evaluation Selection Factors.

The following factors or categories will be considered in the evaluation of individual proposals:

7.6.1 Completeness of the Proposal.

Response to RFP provisions to include the Proposer's references; experience; and presentation (if required).

7.6.2 Development Plan.

A. Overall concept of how the drink vending operation, through machine location, product and public access to the drink product, will enhance the overall park experience of its visitors. Expansion of the Proposer's management qualifications and experience with drink vending operations and how this experience will enhance park operation should be clearly outlined. Include photographs, graphics, etc. of prior facilities.

B. The Proposer's timetable for replacing existing drink vending machines and expansion of additional drink vending machines.

C. The Proposer's plan for additional services.

D. The Proposer's concern for environmental issues and knowledge of environmental laws

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7.6.3 Management, Operation and Maintenance Plan.

- A. Management qualifications.
- B. Operations plan.
- C. The financial strength and capability of the Proposer.
- D. The maintenance plan and capital improvements.
- E. Percentage of revenue set-aside for maintenance.

7.6.4 Revenue.

- A. Percentage proposed to Parks.
- B. Annual guaranteed minimum to Parks.

7.6.5 Overall.

- A. Overall strength of the Proposal.
- B. Previous County or Parks performance.

7.7 Schedule of Events.

Unless stated otherwise in the RFP, all dates are approximate and are to be used for planning purposes only.

- (A) Request for Proposals Issued: **September 8, 2008**
- (B) **Mandatory** Pre-Proposal Conference: **9:00 a.m. (Mountain Standard Time) Monday, September 29, 2008** at Maricopa County Parks and Recreation Department, 234 N. Central Avenue, Suite 6400, Phoenix, AZ 85004. **Please bring a copy of the RFP with all Exhibits and Appendixes. Please bring a business card with you to the Pre-Proposal Conference.**
- (C) Deadline for Submission of Proposals: **Thursday, October 23, 2008.** All Proposals must be received before **3:00 p.m. (Mountain Standard Time)** on the above date at Maricopa County Parks and Recreation Department, Attn: Contract Administrator, 234 N, Central Avenue, Suite 6400, Phoenix, Arizona 85004.
- (D) Approximate Dates for completion of Review of Proposals: **Within 30 days of submission of Proposals.**

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- (E) Approximate Date of Proposer's Presentations (if necessary): **Within 10 days of completion of review of Proposals.**
- (F) Submission of Evaluation Committee's Recommendation of the Successful Proposer to the Director, Maricopa County Parks and Recreation Department and the Director's concurrence or rejection: **Within 10 days of Proposer's Presentation and final Evaluation Committee recommendation.**
- (G) Director's Concurrence; Resolution of any outstanding issues between Director and Evaluation Committee: **Within 10 days of submission of initial recommendation to the Director.**
- (H) Approximate Date of Negotiations being completed with the Successful Proposer (if selected): **Within 60 days of completion of the Director's concurrence with the Evaluation Committee's recommendation.**
- (I) Approximate Date of Board of Supervisors to Approve the Special Use Agreement: **Within 30 days upon successful negotiation of a Special Use Agreement.**

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PROPOSAL CHECKLIST

All Proposals Must Contain The Following Information:

- ☐ Table of Contents
- ☐ Short Introduction and summary of the Proposal
- ☐ Narrative
- ☐ Contact Person (Exhibit A)
- ☐ References (Exhibit B)
- ☐ Principals (Exhibit C)
- ☐ Operations Plan (Exhibit D)
- ☐ Marketing Plan (Exhibit E)
- ☐ Additional Services (Exhibit F)
- ☐ Litigation, Claims and Judgments (Exhibit G)
- ☐ Previous Performance on County or Parks Agreements (Exhibit H)
- ☐ Hazardous Material or Petroleum Products (Exhibit I)
- ☐ Fee Schedule (Exhibit J)
- ☐ Maintenance Program (Exhibit K)
- ☐ Financial Plan (Exhibit L)
- ☐ Cash Flow Analysis Pro-Forma (Exhibit M)
- ☐ Implementation Timeline (Exhibit N)
- ☐ Initial Product and Pricing List (Exhibit O)

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EXHIBIT A – CONTACT PERSON

Proposer certifies that he has read, understands, and will fully and faithfully comply with this Request for Proposal, its attachments, and any referenced documents.

Name of Respondent Company: _____

Company's Legal Name if
Different than Above: _____

Address: _____

Telephone Number: () _____

Fax Number: () _____

Contact Person: _____

Title: _____

Contact Person's Telephone
Number if Different than Above: () _____

Parent Company (If any): _____

Authorized Signature: _____

Printed Name: _____

Title: _____

Date: _____

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EXHIBIT B - REFERENCES

List three (3) governmental agencies, or private firms, with whom you have conducted business transactions during the past three (3) years. At least two (2) of the references named are to have knowledge of your debt payment history.

Reference No. 1

Name: _____

Firm: _____

Title: _____

Address: _____

Telephone: _____

Fax: _____

Nature and magnitude of business association, etc.:

Signature of Proposer

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Exhibit B – References (Continued)

List three (3) governmental agencies, or private firms, with whom you have conducted business transactions during the past three (3) years. At least two (2) of the references named are to have knowledge of your debt payment history.

Reference No. 2

Name: _____

Firm: _____

Title: _____

Address: _____

Telephone: _____

Fax: _____

Nature and magnitude of business association, etc.: _____

Signature of Proposer

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Exhibit B – References (Continued)

List three (3) governmental agencies, or private firms, with whom you have conducted business transactions during the past three (3) years. At least two (2) of the references named are to have knowledge of your debt payment history.

Reference No. 3

Name: _____

Firm: _____

Title: _____

Address: _____

Telephone: _____

Fax: _____

Nature and magnitude of business association, etc.: _____

Signature of Proposer

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EXHIBIT C - PRINCIPALS

Enumerate, in detail, the duration and extent of the business experience of the principals, with special emphasis upon experience with the drink vending services operation, management and maintenance to which this Proposal relates.

Include photographs, videos or any other graphic presentations to demonstrate “like” complexes or other concessions for which you have or had managed, operated and maintained.

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EXHIBIT D –OPERATIONS PLAN

Describe in detail your operations plan. The drink vending operation will be operational and accessible twenty four (24) hours per day, seven (7) days a week. Explain how you plan to make drink vending services assessable to the public during periods of construction or improvement. Safety concerns for the public during this period must be addressed in detail as to how you plan to address safety and accessibility.

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EXHIBIT E – MARKETING PLAN

Provide information describing how you intend to market the drink vending concession. This statement should provide Parks with a clear understanding of any unique qualities of the Proposal.

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EXHIBIT F – ADDITIONAL SERVICES

Describe any additional services or programs which you desire to provide.

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EXHIBIT G – LITIGATION, CLAIMS AND JUDGMENTS

Provide detailed information of any type of litigation, claims, judgments or governmental investigations (previous or pending) involving any principal, participant, individual financial backer or investment group, or legal business entity associated with this Proposal.

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**EXHIBIT H – PREVIOUS PERFORMANCE ON COUNTY OR PARKS
AGREEMENTS**

Provide a brief summary of your past performance and evaluation on any prior departmental or closely related County agreements.

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EXHIBIT I – HAZARDOUS MATERIAL OR PETROLEUM PRODUCTS

Provide a detailed list of all hazardous material or petroleum products and approximate quantities initially to be brought on site.

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EXHIBIT J – FEE SCHEDULE

State your proposed fee schedule to be paid to Parks.

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EXHIBIT K – MAINTENANCE PROGRAM

Describe, in general, your overall maintenance program for the drink vending concession as it pertains to physical appearance of the structures, vending machines, amenities, etc. Discuss your rotation plan of product and scheduled maintenance and replacement timeframes for the machines themselves to ensure reliable service and a high state of appearance. Discuss the proposed timeline to respond to requests for maintenance at a respective park.

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EXHIBIT L – FINANCIAL PLAN

Include a financing plan specifying how the drink vending concession will be financed. Also include documentation supporting the internal availability of equity funds to finance any part of your Proposal not financed with debt. Documentation should specifically include identification of possible lenders and terms; audited financial statements from the Proposer and joint venture partners; and copies of relevant corporate or individual income tax returns.

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EXHIBIT M – CASH FLOW ANALYSIS PRO FORMA

Complete all aspects of this Pro forma format that apply to your proposed drink vending concession for the first five (5) years to operate. Specifics to your Proposal will need to be inserted under the major subsections such as Revenue, Operating Expenses, etc. Standard aspects are included with each subsection. Proposer will be required to add additional entries as appropriate; complete the required Exhibit; and submit it with their Proposal.

Revenue Source	Year 1	Year 2	Year 3	Year 4	Year 5
Other:					
Total Gross Revenue					
OPERATING EXPENSES					
Cost of Goods & Services Sold					
Salaries & Benefits					
Management Fees (operation)					
Repairs & Maintenance					
Utilities					
Insurance					
Equipment Lease & Rental					
Advertising & Promotion					
Accounting & Computer					
Taxes					
Contractual					

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Services: (Pest Control, janitorial services, etc.)	<div></div>	<div></div>	<div></div>	<div></div>	<div></div>
Automobile	<div></div>	<div></div>	<div></div>	<div></div>	<div></div>
Supplies	<div></div>	<div></div>	<div></div>	<div></div>	<div></div>
Travel	<div></div>	<div></div>	<div></div>	<div></div>	<div></div>
Permits	<div></div>	<div></div>	<div></div>	<div></div>	<div></div>
Other:	<div></div>	<div></div>	<div></div>	<div></div>	<div></div>
	<div></div>	<div></div>	<div></div>	<div></div>	<div></div>
	<div></div>	<div></div>	<div></div>	<div></div>	<div></div>
FIXED EXPENSES					
Rent to Parks	<div></div>	<div></div>	<div></div>	<div></div>	<div></div>
Interest	<div></div>	<div></div>	<div></div>	<div></div>	<div></div>
Other:	<div></div>	<div></div>	<div></div>	<div></div>	<div></div>
TOTAL EXPENSES	<div></div>	<div></div>	<div></div>	<div></div>	<div></div>

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EXHIBIT N – IMPLEMENTATION TIMELINE

Detail the anticipated timeline for initial replacement of the existing vending machines. Clearly identify your projected operational date.

Repeat the same process as above for subsequent expansion of the drink vending services to or within other Maricopa County Parks.

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EXHIBIT O – INITIAL PRODUCT AND PRICING LIST

Provide a listing of your initial product list of beverages to be dispensed and the amount to be charged the public.

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APPENDIX I – LOCATION MAP



There is no power available at Buckeye Hills Regional Park, with the exception of the Public Shooting Range, or at Spur Cross Ranch Conservation Area. Vending services could be established at Adobe Dam Regional Park; however, will need to be coordinated with existing Concessionaires.

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APPENDIX II – PARK VISITATION

Park	FY05	FY06	FY07	FY08
Lake Pleasant	586,235	646,598	699,057	674,210
Desert Outdoor Center	18,112	20,876	18,395	21,353
Usery	131,781	134,885	141,078	155,741
McDowell	70,446	72,112	77,464	76,423
San Tan	9,402	12,098	20,192	40,533
White Tank	213,224	159,568	171,651	203,852
Estrella	180,891	147,351	123,205	138,942
Cave Creek	55,313	69,151	52,266	60,667
Adobe Dam	458,137	454,278	428,539	388,815
Spur Cross	13,491	13,970	16,423	19,640
Total	1,737,032	1,730,887	1,748,270	1,780,176

Attendance figures based upon information provided by respective park

FY05: July 1, 2004 - June 30, 2005

FY06: July 1, 2005 - June 30, 2006

FY07: July 1, 2006 - June 30, 2007

FY08: July 1, 2007 - June 30, 2008

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APPENDIX III – DRINK VENDING OPERATIONS

Park	Address	City	Total Equip	Facility Description
Lake Pleasant	41835 N Castle Hot Springs Rd	Morristown	2	Combination caged/not caged; inside and outside buildings
Usery Pass	3939 N Usery Pass Rd #190	Mesa	1	No Security cage; outside building
McDowell Mountain	16300 N McDowell Mt Park Dr	Fountain Hills	2	One on pad w/no overhead cover; one inside; new site construction
White Tank	13025 N White Tank Mt Rd	Litchfield Park	2	No Security cages; outside buildings
Desert Outdoor Ctr	41402 N 87th Ave	Peoria	0	Cooler located inside the main building
Estrella	15099 W Casey Abbott Dr N	Goodyear	2	Security cages; outside buildings
Cave Creek	37019 N Lava Lane	Cave Creek	1	Security cage; outside building
TOTAL			10	

* **Type Operation** Vending Only.

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APPENDIX IV – SALES FY07 AND FY08

	FY07	FY08
Lake Pleasant	73	53
Desert Outdoor Center	0	0
Usery	39	44
McDowell	42	15
White Tank	103	85
Estrella	43	18
Cave Creek	21	19
Total	321	234

FY07 and FY8 reported sales are in number of cases sold

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**APPENDIX V – ADMINISTRATIVE INSTRUCTIONS FOR PRE-PROPOSAL
CONFERENCE**

Date: Monday, September 29, 2008
Time: 9:00 a.m. (Mountain Standard Time)
Location: 234 N. Central Avenue, Suite 6400; Phoenix, AZ 85004

Agenda:

9:00 a.m.	Opening Remarks
9:15 a.m. – 10:30 a.m.	Introduction: Scope and Intent; Exceptions; Demographic Trends; Discuss RFP Highlights
10:30 a.m. – 10:45 a.m.	Break
10:45 a.m. – 11:30 a.m.	Questions; Answers; Clarification
11:30 a.m. – 12:00 p.m.	Wrap Up

Administrative Notes:

1. Bring the RFP with all exhibits and appendixes to the Pre-Proposal Conference.
2. Bring a business card to be retained by Parks.
3. Be on time – doors will close at 9:00 a.m. and entry will be denied after 9:00 a.m.
4. Allow extra time for parking due to construction and traffic congestion.
5. Parking is limited. There is some street parking (generally metered); parking garages are located between Central Avenue and 1st Avenue on Van Buren and between 2nd Avenue and Van Buren. Parks does not validate parking.

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APPENDIX VI – EVALUATION CRITERIA

Evaluation Criteria	Maximum Points
Completeness of Proposal	100
Responses to RFP Provisions	60
Proposer's References	35
Proposer's Presentation (if required)	5
Development Plan	350
Overall Concept - Support's Parks' Goals and Intent	125
Implementation Timeline	125
Additional Services beyond Scope	50
Environmental Considerations	50
Management, Operation and Maintenance Plan	350
Management Qualifications	70
Operations Plan	105
Financial Strength and Capability	70
Maintenance Plan	105
Revenue	100
% Proposed	50
Annual Guaranteed Minimum to Parks	50
Overall	100
Overall Strength of Proposal	75
Previous County or Parks Performance	25
	1,000